

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TATYANA LYSYY, et al.,

Plaintiffs,

v.

DEUTSCHE BANK NATIONAL
TRUST COMPANY, et al.,

Defendants.

CASE NO. C24-0062JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable
James L. Robart:

Before the court is Defendants' motion to compel *pro se* Plaintiffs Tatyana Lysyy
and Vasiliy Lysyy ("Plaintiffs") to appear for their depositions and for sanctions. (Mot.
(Dkt. # 73).) Counsel for Defendants represents that Plaintiffs, through their former
attorney, agreed to sit for their depositions on July 18, 2024. (Sagara Decl. (Dkt. # 74)
¶ 7, Ex. D.) Defendants' counsel's office served amended notices of depositions and

1 reserved a court reporter and two certified Ukrainian interpreters for a full day on July 18.
2 (*Id.* ¶ 8, Ex. E; *id.* ¶ 13, Ex. H.) Less than one hour before his deposition was to begin,
3 Mr. Lysyy called his former attorney to advise him that he would not appear. (*Id.* ¶ 10,
4 Ex. F (July 18, 2024 transcript) at 5:18-6:4.) Mr. Lysyy did not, however, say why he
5 would not attend, nor did he say whether Ms. Lysyy would appear for her deposition later
6 that day. (*Id.*) Plaintiffs' former attorney attempted to reach Ms. Lysyy to determine
7 whether she would appear, but Ms. Lysyy did not respond to his inquiries. (*Id.* at
8 6:15-7:14.) That night, Plaintiffs' former attorney filed a motion to withdraw, which the
9 court granted on August 6, 2024. (MTW (Dkt. # 70); 8/6/24 Order (Dkt. # 72).)
10 Defendants' counsel has since left two voicemails for Plaintiffs regarding rescheduling
11 the depositions. (Sagara Decl. ¶ 11.) To date, Plaintiffs have not responded. (*Id.*)

12 The court takes very seriously a party's failure to appear for a scheduled
13 deposition. Therefore, based on Plaintiffs' willful conduct as described in Defendants'
14 counsel's declaration, the court is inclined to grant Defendants' motion to compel. In the
15 interest of achieving an efficient resolution of this discovery dispute, the court ORDERS
16 Plaintiffs to SHOW CAUSE why the court should not order Plaintiffs to: (1) appear for
17 their depositions on September 13, 2024, at Defendants' counsel's offices in Seattle,
18 Washington, and (2) pay Defendants \$4,500 in attorneys' fees and costs incurred when
19 Plaintiffs failed to appear at their deposition on July 18, 2024. (*See* Mot. at 7-8.)
20 Plaintiffs shall file their response to this order on the docket by no later than **5:00 p.m. on**
21 **August 29, 2024**. Failure to timely respond to this order will result in sanctions up to and
22 including the dismissal with prejudice of Plaintiffs' remaining claims in this action. The

1 Clerk is DIRECTED to renote Defendants' motion to compel and for sanctions (Dkt.
2 # 73) for August 29, 2024.

3 Filed and entered this 16th day of August, 2024.

4 RAVI SUBRAMANIAN
5 Clerk of Court

6 s/ Ashleigh Drecktrah
7 Deputy Clerk
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